

REMARKS

This submission under 37 CFR 1.114 is responsive to the Office Action mailed September 28, 2007, and is accompanied by a request for continued examination (“RCE”) together with the required fee.

Telephone Conference Requested Re: Whether Decorative Molding 26 in Widman is “Spaced Apart From Boundaries Of Apron” As Required By The Claims

The Examiner disagrees with Applicant’s argument that the decorative molding 26 in Widman, U.S. Patent No. 2,269,748 (“Widman”) is not spaced apart from the boundaries of the apron. Applicant requests a telephone conference with the Examiner to discuss this matter further. Applicant respectfully requests that the Examiner consider the following comments in preparation for that conference:

Claim 26

The Examiner construes the term “apron” in a manner that is inconsistent with the teachings of Widman. The Examiner refers to a “front surface 23, 25” as being an apron, when the apron is described in the reference as being 25 and the skirt is described as being 23¹. These two separate parts are joined by welding, and a decorative molding is used to cover the joint.

Applicant does not concede that it is reasonable to construe terms of art contrary to the

¹ Widman refers to “downwardly depending skirts 23” and an “apron 25.” Page 2, lines 19 - 21. The apron 25 is disclosed as being “a separate stamping” and “attached to the skirt 23 by spot welding.” Lines 22 - 23. So the reference teaches an apron 25 that is separate and distinct from downwardly depending skirts 23.

manner in which those terms are defined and used in the art; however, Applicant will assume, for purposes of argument, that the combined skirt and apron structure, once welded together, is an “apron” for purposes of argument.

Even then, Figure 1 of Widman shows the decorative molding 26 to extend all the way around the tub. This makes sense, because the joint between the two parts (skirt 23 and apron 25) must extend all the way around the tub. Therefore, the decorative molding is *coextensive* with the joint between the skirt and apron. In particular, the decorative molding is not shown in Figure 1 to stop short of the vertically inclined edges of the combined skirt/apron structure, which would be required for the decorative molding to be spaced apart from the boundaries of the apron as required by the claims.

Claim 33

The Examiner’s disagreement with Applicant concerning the language of claim 26 does not carry over to claim 33, yet the Office Action treats claim 33 together with claim 26.

Claim 33 requires that there be a recess, and that the decorative panel be received “within the recess.” It is respectfully submitted that this requirement is clearly not met in Widman, because the point of the decorative molding 26 is to cover the joint, i.e., to hide it so that it cannot be seen. If the decorative molding were to fit “within the recess” as claimed, the joint would be visible, at least partially defeating the purpose.

Closeness of Pisklak Versus Widman References

The Examiner cites Pisklak, U.S. Patent No. 6,154,895 (“Pisklak”) as evidence that the terms “farm” and “kitchen” are mere labels which connote no definite structure, apparently

because the Examiner perceives Widman to be closer to the structure disclosed by Applicant than Pisklak, and Pisklak refers to its sink specifically as a “farm” sink.

It is true that Pisklak does not disclose an apron (4, 5, 6) that is spaced from the basin as in the structure disclosed by Applicant, and that Widman does have such a gap, so the Examiner’s assertion that Widman is closer than Pisklak is not without merit. However, it does not follow that terms of art, such as “bathtub” (Widman) and “farm[er] sink” (Pisklak) do not connote definite structure and are mere labels that can be disregarded at will. There are real physical differences between bathtubs and sinks, such as: sinks are smaller than bathtubs and are mounted higher off the floor, closer to eye level. Farm sinks are further distinguished from sinks in general in that they are more plain. These are all considerations that are relevant to the motivation for decorating these fixtures with decorative panels.

In summary, Applicant requests a telephone conference with the Examiner on the question of whether the decorative molding 26 in Widman meets either the requirements of claims 26 or 33.

Respectfully submitted,



Garth Janke
Reg. No. 40,662
(503) 224-2180